



**IT IS HEREBY ADJUDGED and DECREED that the  
below described is SO ORDERED.**

**Dated: August 06, 2012.**

*H. Christopher Mott*

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**H. CHRISTOPHER MOTTO  
UNITED STATES BANKRUPTCY JUDGE**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: § CASE NO. 11-30977-hcm

DHC REALTY, INC. §  
§  
Debtor. § CHAPTER 11

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DHC REALTY, LLC; CHOWAIKI §  
HOLDINGS, LLC, EL PASO DHC § Adversary No. 12-03012-hcm  
ENTERPRISES, LLC, EL PASO DHC §  
ENTERPRISES FAR EAST, LLC, §  
EL PASO DHC ENTERPRISES §  
WEST, LLC, AND DAVID CHOWAIKI, §  
§

Plaintiffs, §

v. §

ARMANDO ARMENDARIZ §  
YVETTE ARMENDARIZ, AND §  
HECTOR ARMENDARIZ, §  
Defendants. §

**ORDER DENYING MOTION TO DISMISS AND REQUIRING ANSWER AND REPORT**

On July 6, 2012, Armando Armendariz, Yvette Armendariz, and Hector Armendariz (collectively “Defendants”) filed their Motion to Dismiss Under FRCP 12(b)(6) or in the Alternative, For More Definitive Statement (“Motion”) (dkt no. 9). On July 27, 2012, DHC Realty, LLC, Chowaiki Holdings, LLC, El Paso DHC Enterprises,

LLC, El Paso DHC Enterprises Far East, LLC, El Paso DHC Enterprises West, LLC, and David Chowaiki (collectively "Plaintiffs") filed their Response to the Motion. On August 3, 2012, the Defendants filed their Reply. After considering Plaintiffs' Original Complaint, the Motion, Response, and Reply, the Court finds that the Motion should be denied as set forth below for the reasons stated in the Response, and that the following Order should be entered.

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED AND NOTICE IS HEREBY GIVEN AS FOLLOWS:**

1. The Motion to Dismiss Under FRCP 12(b)(6) or in the Alternative, For More Definitive Statement (herein "Motion") (dkt no. 9) filed by Defendants is hereby denied; provided that prior to 45 days before the deadline for completion of fact discovery, Plaintiffs shall amend their Complaint to more specifically set forth the alleged transfers which are the subject of their counts for fraudulent transfers and post-petition transfers.

2. By August 22, 2012, the Defendants shall file and serve an Answer to Plaintiffs' Original Complaint.

3. By August 31, 2012, counsel for the parties shall meet and confer regarding proposed scheduling deadlines in this adversary and file a joint or separate Report with the Court setting forth proposed scheduling deadlines for the following: amendment of pleadings, fact and expert discovery, mediation, initial and rebuttal expert reports, dispositive motions, pre-trial conference/docket call, and any other deadlines that the parties believe may be appropriate. Upon filing of such Report, the parties shall notify the Courtroom Deputy that the Report has been filed. Thereafter, the Court will enter a Scheduling Order in this adversary proceeding.

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